



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

2017

First Named Inventor: Wayne Arden

Art Unit: 3772

Application Number: 10/757,730

Examiner: Patel, T

Filed: 11/13/04

Title: Apparatus for Supporting the Back

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

☒ Small entity – fee \$ 255 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee**

A The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify the type of reply):

☐ has been filed previously on \_\_\_\_\_

☐ is enclosed herewith. 08/11/2008 SSANDARA 00000008 10757730

B The issue fee of \$ \_\_\_\_\_ 01 FC:2452 255.00 OP

☐ has been filed previously on \_\_\_\_\_

☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Wayne Arden  
Signature

7/28/08  
Date

Wayne Arden  
Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

See enclosed  
Document

(Please attach additional sheets if additional space is needed.)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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**3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Wayne Arden  
Signature

7/28/08  
Date

Wayne Arden  
Typed or printed name

Registration Number, if applicable

P.O. Box 16008  
Address  
GOLDEN CO 80402-6001  
Address

Telephone Number

Enclosure ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☒ copy of letter

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

7/28/08  
Date

Wayne Arden  
Signature

WAYNE ARDEN  
Typed or printed name of person signing certificate



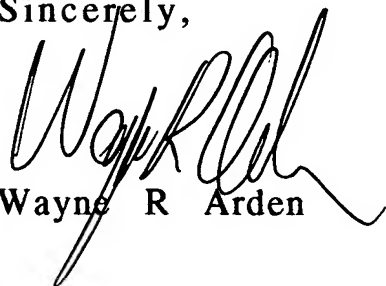
Re: Petition for Revival

My attorney Mr. Tim Martin was the address of record for this application. He has closed his practice and abandoned all of his clients. No communication was received of any kind for the entire year of 2008. I have just recently discovered that his inaction resulted in abandonment of this application along with other USPTO matters. Enclosed is copy of letter to the state of Colorado detailing this situation. I understand that Mr. Martins license has been suspended by the state of Colorado. I am now proceeding with updating the matters and retaining new patent council.

I do not have the last office action I believe dating from 7/9/07. We were in the process of responding which he failed to do. I need all documents from this point forward to proceed.

Thank you for your understanding with this matter.

Sincerely,



Wayne R Arden



Wayne R. Arden  
P. O. Box 16008  
Golden CO 80402-6008  
Tel #(303) 767-0278

July 15, 2008

Luain Hensel  
Colo. Dept. of Attorney Registration  
1560 Broadway #1800  
Denver CO 80202

Re: Timothy J. Martin

Dear Ms. Hensel;

I made a report concerning Mr. Martin today via phone and was informed that I need to put my concerns in writing. I am extremely busy and frequently out of town but here is a brief summary.

I retained Tim approx. 2001. We filed and after 3 years received a patent for my medical device. Then a continuation in part was filed regarding the same device. A second and different device was filed in 2006. A trademark was also filed on my behalf. My concerns are;

- Status of patent and maintenance fees
- Status of continuation in part.
- Status of patent pending
- Status of trademark.

Mr. Martins office is the address of record for all this work.

I went to the Nuggets Lakers game with Tim on 12/5/07. I also met with him around that time for input regarding a pending office action. Brief phone contact occurred in Jan., maybe Feb.. I left messages in Feb. and March, eventually his mail box became full. I called again in April and the line was disconnected. I went by the office in May and it seemed to be abandoned. I have received no communication from Tim at all since Feb.

During my last communications with Tim he indicated that he was considering moving to Costa Rica. Also that the office building was being sold or at least his interest in it. From my perspective, he has simply disappeared with no notification at all.

As mentioned, I am extremely busy and am now beginning to get updates regarding this property. I am not yet aware of the delinquencies that may have arisen because of his disappearance.

If you need any further clarification or information please contact me via mail or you may

Fax to 3) 278 8866

I can also be reached at 3) 278 6903.

I have to return to work on other projects and commence with damage control with my intellectual property. I would very much like to be kept informed regarding the status of Mr. Martin.

Thank you for your attention to this matter.

Sincerely,

Wayne Arden